

Appendix K

February 22, 2007

**NOTICE OF PREPARATION
OF A DRAFT ENVIRONMENTAL IMPACT REPORT
AND NOTICE OF SCOPING MEETING FOR
THE MURPHY RANCH RESIDENTIAL PROJECT**

NOTICE IS HEREBY GIVEN that the City of Milpitas has received an application to amend the Milpitas General Plan, a Rezoning, a Major Tentative Map, and Site and Architectural Review that would effect approximately 22 acres of land located on the west side of Murphy Ranch Road, bounded by Technology Drive to the north, the Hetch Hetchy aqueduct on the south and Coyote Creek to the west of the project site (APN: 086-01-041 and 086-01-042).

As the Lead Agency, the City of Milpitas will prepare an Environmental Impact Report (EIR) for the above-referenced Project and would like your views regarding the scope and content of the environmental information to be addressed in the EIR. This EIR may be used by your agency when considering approvals for this project. The project description, location, and probable environmental effects which will be analyzed in the EIR for the project are identified in attached materials.

Due to the time limits mandated by State law, your response must be sent **no later than 30 days after receipt of this notice**. We would appreciate an earlier response, if possible. Please identify a contact person, and send your response to:

Kristine Lowe, Associate Planner
City of Milpitas
Planning and Neighborhood Preservation Department
455 East Calaveras Boulevard.
Milpitas, CA 95035

Phone: (408) 586-3278
Fax: (408) 586-3293
Email: klowe@ci.milpitas.ca.gov

Please provide the name, mailing address, telephone number and e-mail address of a contact person with your response.

Notice of Scoping Meeting: The City of Milpitas will hold a Scoping Meeting at 6:00 p.m. on Thursday March 8, 2007 at the Committee Conference Room, First Floor, Milpitas City Hall, located at 455 East Calaveras Boulevard in Milpitas. You are invited to attend this meeting and provide your views to the City as to topics to be addressed in the EIR.

By: Kristine Lowe
Kristine Lowe

For: City of Milpitas

NOTICE OF PREPARATION
OF A DRAFT ENVIRONMENTAL IMPACT REPORT
AND NOTICE OF SCOPING MEETING FOR
THE MURPHY RANCH RESIDENTIAL PROJECT

February 2007

Introduction

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the general public of the environmental effects of a proposed project that an agency may implement or approve. The EIR process is intended to provide information sufficient to evaluate a project and its potential for significant impacts on the environment; to examine methods of reducing adverse impacts; and to consider alternatives to the project.

The EIR for the proposed project will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. The EIR will only address the significant or potentially significant effects of the proposed project. In accordance with the requirements of CEQA, the EIR will include the following:

- A summary of the project;
- A project description;
- A description of the existing environmental setting, environmental impacts, and mitigation measures for the project site;
- Alternatives to the project as proposed; and
- Environmental consequences, including (a) any significant environmental effects which cannot be avoided if the project is implemented; (b) any significant irreversible and irretrievable commitments of resources; (c) the growth inducing impacts of the proposed project; and (d) cumulative impacts.

Project Location

The proposed project site is a vacant property located at the southwest corner of Technology Drive and Murphy Ranch Road in the City of Milpitas (See Figures 1 through 4). The project site is bounded by Coyote Creek and a 10-foot tall earthen levy to the west, Technology Drive and the City of Milpitas Pump Station to the north, Murphy Ranch Road to the east, and the Hetch-Hetchy right-of-way and the San Francisco Pump Station to the south.

Project Description

The project will consist of two separate developments, herein after referred to as Murphy Ranch South and Murphy Ranch North. The Murphy Ranch South development will be on the southern portion of the project site and will consist of 285 for-sale single-family attached dwelling units (townhouses) with attached two car garages on 14.15 acres. The Murphy Ranch North development will be on the northern portion of the project site and will consist of 374 rental apartment units on 7.58 acres. The apartment buildings will be four stories with a five-story parking garage in the interior of the site.

The project site is currently designated *Industrial Park* by the General Plan and is zoned *MP-Industrial Park*. The project proposes a General Plan amendment to *Multi Family High Density*

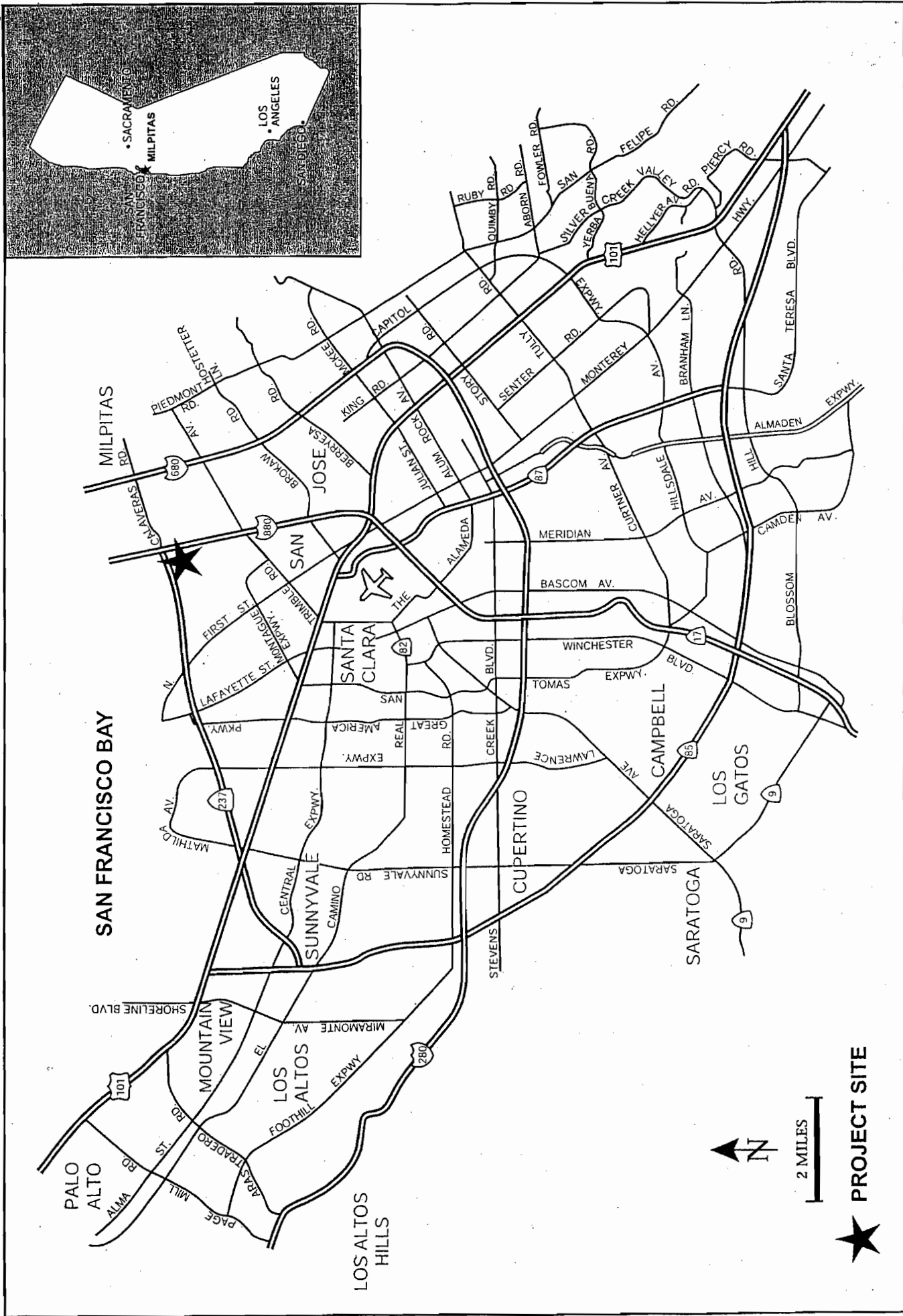


FIGURE 1

REGIONAL MAP

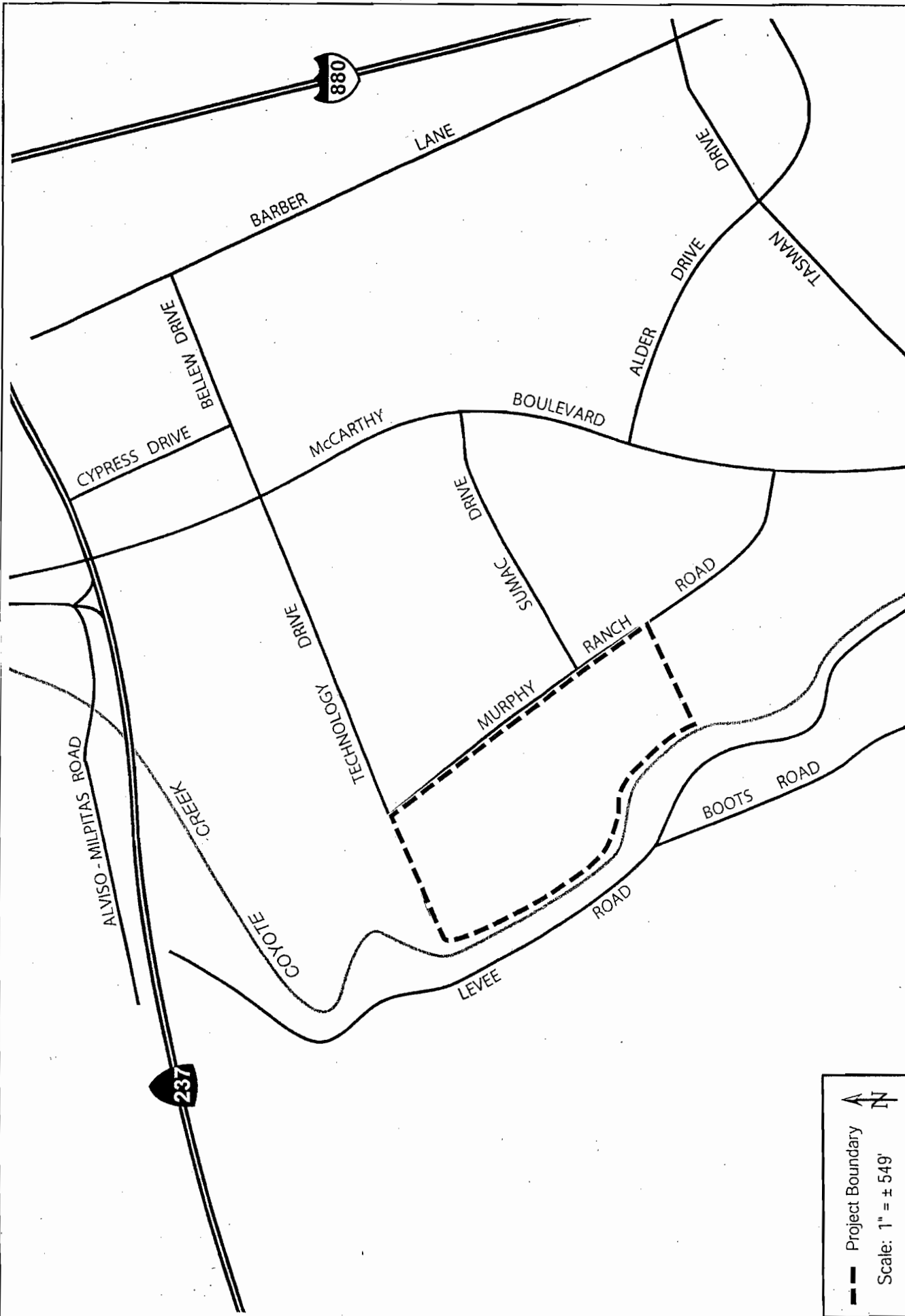


FIGURE 2

VICINITY MAP

FEET
APN 085-01-023

FEET
APN 085-01-040

FEET
APN 085-02-039

PRUDENTIAL INSURANCE
APN 085-02-067

CITY AND COUNTY OF SAN FRANCISCO
2174 OR 394

FEET
114.62

FEET
114.62

COYOTE CREEK

MURPHY RANCH ROAD

SUMAC DRIVE

APARTMENT SITE
SEE SHEET 14-40

SITE PLAN

FIGURE 3

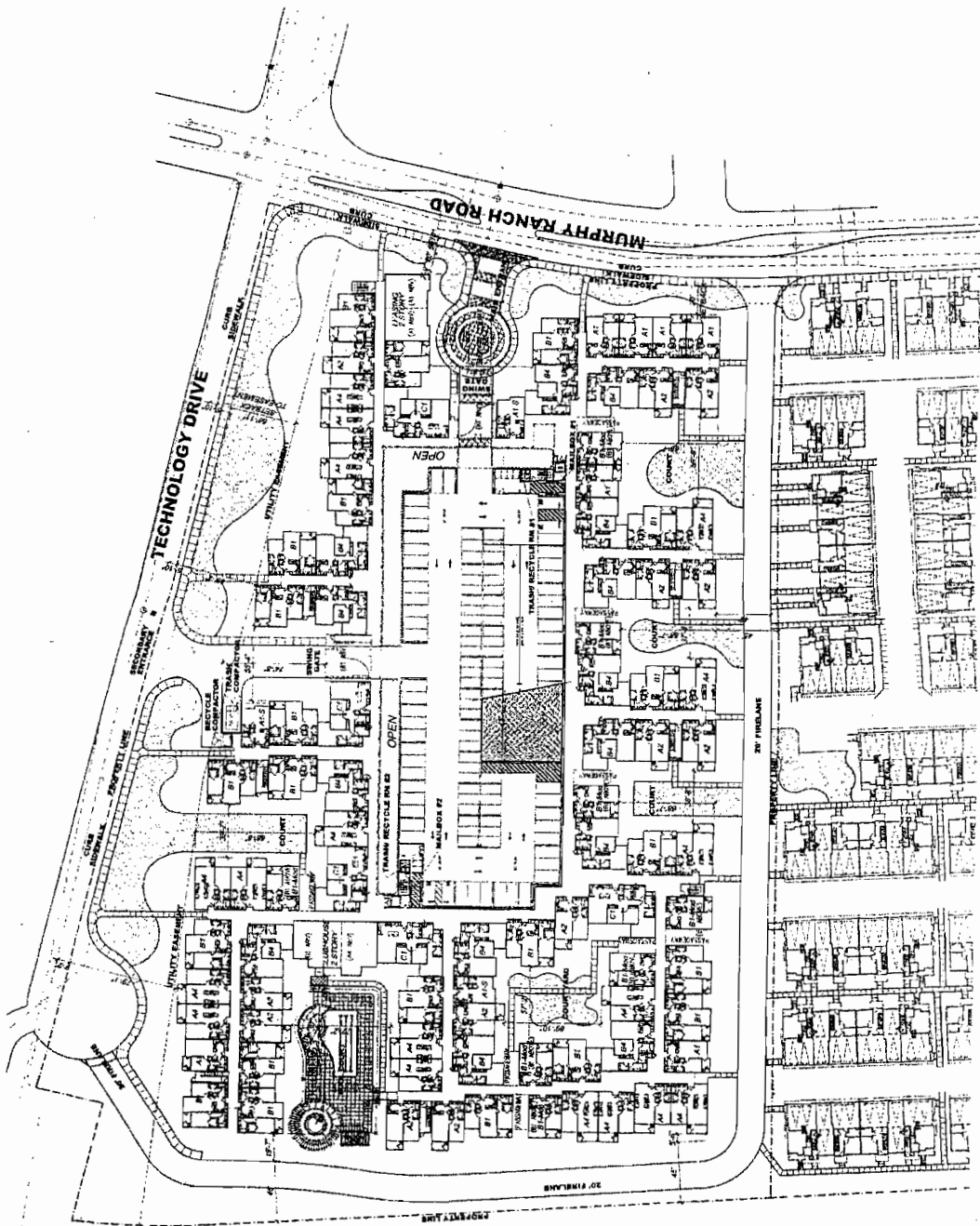


FIGURE 4

SITE PLAN

YYY

for the entire project site. The project also proposes a zoning change to *R3 – Multi-Family High Density* for the townhouse portion of the site (Murphy Ranch South) and *R4 – Multi-Family Very High Density* for the apartment portion of the site (Murphy Ranch North).

Potential Environmental Impacts of the Project

The EIR will identify the significant environmental effects anticipated to result from development of the project as proposed. The EIR will include the following specific environmental categories as related to the proposed project:

1. Land Use

The project site is located in a developed urbanized area surrounded by industrial land uses. The EIR will describe the existing land uses adjacent to and within the project area. Land use impacts which would occur as a result of the proposed project will be analyzed, including the compatibility of the proposed and existing land uses in the project area, shade and shadow, loss of agricultural land within an urbanized industrial area, and population and housing. Mitigation measures will be identified for significant impacts, as warranted.

2. Visual Resources

The project site is surrounded by one- and two-story industrial buildings and Coyote Creek. The EIR will describe the existing visual setting of the project area and the visual changes that are anticipated to occur as a result of the proposed project. The EIR will also discuss possible light and glare issues from the development of new residential structures. Mitigation measures will be identified for significant impacts, as warranted.

3. Geology

The project site is located in Seismic Zone 4, which is the most seismically active region in the United States. The EIR will discuss the possible geological impacts associated with seismic activity and the existing soil conditions on the project site. Mitigation measures will be identified for significant impacts, as warranted.

4. Hydrology

The project site is located adjacent to Coyote Creek. The EIR will address the possible flooding issues from Coyote Creek as well as the effectiveness of the storm drainage system and the projects effects on storm water quality. Mitigation measures will be identified for significant impacts, as warranted.

5. Biological Resources

The project site is currently undeveloped with no vegetation and could possibly be utilized as Burrowing Owl habitat. The EIR will provide a discussion of the absence/presence of Burrowing Owls on the project site and the likelihood of owls occupying the site. Mitigation measures will be identified for significant impacts, as warranted.

6. *Hazards and Hazardous Materials*

The project site is located in an area surrounded by industrial businesses. The EIR will summarize known hazardous materials conditions on and adjacent to the project site, and will address the potential for future residential development on this site to result in a hazardous materials impact, including a Risk Assessment of Hazardous Materials Users in the Project Area. Mitigation measures will be identified for significant impacts, as warranted.

7. *Cultural Resources*

The project site is located in an area of high archaeological and historical sensitivity due to its location adjacent to a creek. The EIR will address the known presence of historic and archaeological sites in the project area and the potential for unknown resources to be found during construction. Mitigation measures will be identified for potential significant impacts, as warranted.

8. *Transportation and Circulation*

The EIR will examine the existing traffic conditions in the immediate vicinity of the project site. A transportation impact analysis will be prepared for the proposed project in order to identify the transportation impacts of the proposed project on the existing local and regional transportation system and the planned long-range transportation network. Mitigation measures will be identified for significant impacts, as warranted.

9. *Air Quality*

The San Francisco Bay Area is a non-attainment area for carbon monoxide. The EIR will address the regional air quality conditions in the Bay Area and discuss the proposed projects impacts to local and regional air quality. The project site is adjacent to two diesel powered pump stations. The effects of the diesel exhaust on a future residential development will be addressed. Temporary construction related impacts such as construction vehicle exhaust and air-borne particulates (i.e., dust) will also be discussed. Mitigation measures will be identified for significant impacts, as warranted.

10. *Noise*

The existing noise environment on-site is created primarily by local traffic, aircraft and intermittent noise generated by the adjacent pump stations north and south of the project site. The EIR will discuss the potential of the proposed project to be impacted by the existing noise levels on the project site. The EIR will also discuss the increase in traffic noise that would result from implementation of the proposed project, and temporary construction noise. Noise levels will be evaluated for consistency with applicable standards and guidelines in the City of Milpitas. Mitigation measures will be identified for significant impacts, as warranted.

11. *Utilities*

Implementation of the proposed project will result in an increased demand on utilities and public facilities compared to existing conditions. The EIR will examine the impacts of the project on public services, including utilities such as sanitary and storm drains, water supply, and solid waste management. Mitigation measures will be identified for significant impacts, as warranted.

12. Public Services

Implementation of the proposed project will result in an increased demand on public services such as police and fire protection, as well as schools, parks, and libraries. The EIR will address the availability of public facilities and service systems, and the potential for the project to require the construction of new facilities. Mitigation measures will be identified for significant impacts, as warranted.

13. Alternatives

The EIR will examine alternatives to the proposed project including a "No Project" alternative and at least two alternative development scenarios. Alternatives discussed will be chosen based on their ability to reduce or avoid identified significant impacts of the proposed project while achieving most of the identified objectives of the project.

14. Significant Unavoidable Impacts

The EIR will identify those significant impacts that cannot be avoided, if the project is implemented as proposed.

15. Cumulative Impacts

The EIR will include a Cumulative Impacts section which will address the potentially significant cumulative impacts of the project when considered with other past, present, and reasonably foreseeable future projects in the area.



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Cynthia Bryant
Director

Notice of Preparation

February 23, 2007

To: Reviewing Agencies

Re: The Murphy Ranch Residential Ranch
SCH# 2007022106

Attached for your review and comment is the Notice of Preparation (NOP) for the The Murphy Ranch Residential Ranch draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

**Kristine Lowe
City of Milpitas
455 E. Calaveras Boulevard
Milpitas, CA 95035**

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Senior Planner, State Clearinghouse

Attachments
cc: Lead Agency

State Clearinghouse Data Base

SCH# 2007022106
Project Title The Murphy Ranch Residential Ranch
Lead Agency Milpitas, City of

Type NOP Notice of Preparation
Description The project will consists of two separate developments, herein after referred to as Murphy Ranch South and Murphy Ranch North. The Murphy Ranch South development will be on the southern portion of the project site and will consist of 285 for-sale single-family attached dwelling units (townhouses) with attached two car garages on 14.15 acres. The Murphy Ranch North development will be on the northern portion of the project site and will consist of 374 rental apartment units on 7.58 acres. The apartment buildings will be four stories with a five-story parking garage in the interior of the site.

Lead Agency Contact

Name	Kristine Lowe	
Agency	City of Milpitas	
Phone	408 586-3278	Fax
email	klowe@ci.milpitas.ca.gov	
Address	455 E. Calaveras Boulevard	
City	Milpitas	State CA Zip 95035

Project Location

County Santa Clara
City Milpitas
Region
Cross Streets Technology Drive and Murphy Ranch Road

Parcel No.	Range	Section	Base
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Proximity to:

Highways
Airports
Railways
Waterways Coyote Creek
Schools
Land Use

Project Issues Landuse; Aesthetic/Visual; Geologic/Seismic; Water Quality; Biological Resources; Toxic/Hazardous; Archaeologic-Historic; Traffic/Circulation; Air Quality; Noise; Public Services; Other Issues; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Boating and Waterways; Department of Conservation; Office of Historic Preservation; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Department of Water Resources; Department of Fish and Game, Region 3; Native American Heritage Commission; Caltrans, District 4; Integrated Waste Management Board; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 2

Date Received 02/23/2007 **Start of Review** 02/23/2007 **End of Review** 03/26/2007

Resources Agency

- ☒ Resources Agency
Nadell Gayou
- ☒ Dept. of Boating & Waterways
David Johnson
- ☐ California Coastal Commission
Elizabeth A. Fuchs
- ☐ Colorado River Board
Gerald R. Zimmerman
- ☒ Dept. of Conservation
Roseanne Taylor
- ☐ California Energy Commission
Paul Richins
- ☐ Dept. of Forestry & Fire Protection
Allen Robertson
- ☒ Office of Historic Preservation
Wayne Donaldson
- ☒ Dept. of Parks & Recreation
Environmental Stewardship Section
- ☐ Reclamation Board
DeeDee Jones
- ☒ S.F. Bay Conservation & Dev't Comm.
Steve McAdam
- ☒ Dept. of Water Resources
Resources Agency
Nadell Gayou
- ☐ Conservancy
- ☐ Fish and Game
Scott Flint
Environmental Services Division
- ☐ Fish & Game Region 1
Donald Koch
- ☐ Fish & Game Region 1E
Laurie Hamsberger

- ☐ Fish & Game Region 2
Banky Curtis
- ☒ Fish & Game Region 3
Robert Floerke
- ☐ Fish & Game Region 4
Julie Vance
- ☐ Fish & Game Region 5
Don Chadwick
Habitat Conservation Program
- ☐ Fish & Game Region 6
Gabrina Gatchel
Habitat Conservation Program
- ☐ Fish & Game Region 6 VM
Gabrina Gatchel
Inyo/Mono, Habitat Conservation Program
- ☐ Dept. of Fish & Game M
George Isaac
Marine Region

Other Departments

- ☐ Food & Agriculture
Steve Shaffer
Dept. of Food and Agriculture
- ☐ Dept. of General Services
Public School Construction
- ☐ Dept. of General Services
Robert Sleppy
Environmental Services Section
- ☐ Dept. of Health Services
Veronica Malloy
Dept. of Health/Drinking Water
- ☐ Independent Commissions/Boards
- ☐ Delta Protection Commission
Debby Eddy
- ☐ Office of Emergency Services
Dennis Castrillo
- ☐ Governor's Office of Planning & Research
State Cleaninghouse
- ☒ Native American Heritage Comm.
Debbie Treadway

- ☐ Public Utilities Commission
Ken Lewis
- ☐ Santa Monica Bay Restoration
Guangyu Wang
- ☐ State Lands Commission
Jean Sarino
- ☐ Tahoe Regional Planning Agency (TRPA)
Cherry Jacques

Business, Trans & Housing

- ☐ Caltrans - Division of Aeronautics
Sandy Hesnard
- ☐ Caltrans - Planning
Terri Pencovic
- ☐ California Highway Patrol
Shirley Kelly
Office of Special Projects
- ☐ Housing & Community Development
Lisa Nichols
Housing Policy Division

Dept. of Transportation

- ☐ Caltrans, District 1
Rex Jackman
- ☐ Caltrans, District 2
Marcelino Gonzalez
- ☐ Caltrans, District 3
Jeff Pulverman
- ☒ Caltrans, District 4
Tim Sable
- ☐ Caltrans, District 5
David Murray
- ☐ Caltrans, District 6
Marc Bimbaum
- ☐ Caltrans, District 7
Cheryl J. Powell

- ☐ Caltrans, District 8
Dan Kopulsky
- ☐ Caltrans, District 9
Gayle Rosander
- ☐ Caltrans, District 10
Tom Dumas
- ☐ Caltrans, District 11
Mario Orso
- ☐ Caltrans, District 12
Bob Joseph

Cal EPA

- ☐ Air Resources Board
- ☐ Airport Projects
Jim Lerner
- ☐ Transportation Projects
Ravi Ramalingam
- ☐ Industrial Projects
Mike Tollstrup

California Integrated Waste Management Board

- ☐ California Integrated Waste Management Board
Sue O'Leary
- ☐ State Water Resources Control Board
Regional Programs Unit
Division of Financial Assistance

- ☐ State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
Division of Water Quality

State Water Resources Control Board

- ☐ State Water Resources Control Board
Steven Herrera
Division of Water Rights
- ☒ Dept. of Toxic Substances Control
CEQA Tracking Center
- ☐ Department of Pesticide Regulation

Regional Water Quality Control Board (RWQCB)

- ☐ RWQCB 1
Cathleen Hudson
North Coast Region (1)
- ☒ RWQCB 2
Environmental Document Coordinator
San Francisco Bay Region (2)
- ☐ RWQCB 3
Central Coast Region (3)
- ☐ RWQCB 4
Teresa Rodgers
Los Angeles Region (4)
- ☐ RWQCB 5S
Central Valley Region (5)
- ☐ RWQCB 5F
Central Valley Region (5)
Fresno Branch Office
- ☐ RWQCB 5R
Central Valley Region (5)
Redding Branch Office
- ☐ RWQCB 6
Lahontan Region (6)
- ☐ RWQCB 6V
Lahontan Region (6)
Victorville Branch Office
- ☐ RWQCB 7
Colorado River Basin Region (7)
- ☐ RWQCB 8
Santa Ana Region (8)
- ☐ RWQCB 9
San Diego Region (9)
- ☐ Other

Kristine Lowe

From: Bill Yeung [Bill.Yeung@rda.sccgov.org]
Sent: Thursday, March 01, 2007 4:40 PM
To: Kristine Lowe
Cc: Masoud Akbarzadeh; Bill Lee
Subject: Notice of Preparation of DEIR - Murphy Ranch Residential Project

Kristine:

The review of the Notice of Preparation of DEIR for the subject project is complete. Our comment is as follows:

- include traffic impact to Montague Expressway in the DEIR and submit to our department for review

If you have any questions, please contact me. Thanks

*William K. Yeung, PE
Associate Civil Engineer
Land Development and Permits
Roads and Airports Department
County of Santa Clara
Phone (408)573-2463
Fax (408)441-0276*

NOTICE:

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3/8/2007

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, GOVERNOR

DEPARTMENT OF TRANSPORTATION

P. O. BOX 23660

OAKLAND, CA 94623-0660

(510) 286-5505

(800) 735-2929 TTY

*Flex your power!
Be energy efficient!*

March 7, 2007

SCL-237-8.92

SCL237158

Ms. Kristine Lowe
City of Milpitas
455 E. Calaveras Boulevard
Milpitas, CA 95035-5411

Dear Ms. Lowe:

The Murphy Ranch Residential Project – Notice of Preparation (NOP)

Thank you for including the California Department of Transportation (Department) in the environmental review process for the proposed project. We have reviewed the NOP and have the following comments to offer:

Our primary concern with the project is the potentially significant impact it may have to traffic volume and congestion on State Highway Facilities. In order to address our concerns regarding the proposed development, we recommend a traffic impact analysis be prepared. The traffic impact analysis should include, but not be limited to the following:

1. Information on the project's traffic impacts in terms of trip generation, distribution, and assignment. The assumptions and methodologies used in compiling this information should be addressed.
2. Current Average Daily Traffic (ADT), AM, and PM peak hour volumes on all significantly affected streets, highway segments, intersections and ramps.
3. Schematic illustration of the traffic conditions for: 1) existing, 2) existing plus general plan, and 3) cumulative for the intersections in the general plan area.
4. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect the State Highway facilities being evaluated.

Ms. Kristine Lowe
City of Milpitas
March 7, 2007
Page 2

5. Mitigation measures should consider highway and non-highway improvements and services. Special attention should be given to the development of alternate solutions to circulation problems that do not rely on increased highway construction.
6. All mitigation measures proposed should be fully discussed, including financing, scheduling, implementation responsibilities, and lead agency monitoring.

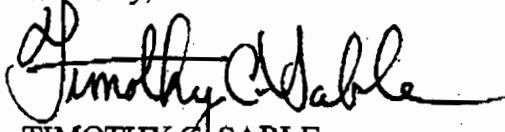
We recommend you utilize Caltrans' "Guide for the Preparation of Traffic Impact Studies" which can be accessed from the following webpage:
<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>

We look forward to reviewing the Draft Environmental Impact Report. We do expect to receive a copy from the State Clearinghouse, but in order to expedite our review, in advance please send two copies to:

José L. Olveda
Office of Transit and Community Planning
Department of Transportation, District 4
P.O. Box 23660
Oakland, CA 94623-0660

Should you require further information or have any questions regarding this letter, please call José L. Olveda or my staff at (510) 286-5535.

Sincerely,


TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: Scott Morgan (State Clearinghouse)



Linda S. Adams
Secretary for
Environmental
Protection

California Regional Water Quality Control Board San Francisco Bay Region

Internet Address: <http://www.swrcb.ca.gov>
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 FAX (510) 622-2460



Arnold Schwarzenegger
Governor

Date: **MAR 15 2007**
File No. 2188.05 (BKW)

Ms. Kristine Lowe, Associate Planner
City of Milpitas
Planning and Neighborhood Preservation Department
455 East Calaveras Boulevard
Milpitas, CA 95035

Re: Notice of Preparation of a Draft Environmental Impact Report for the
Murphy Ranch Residential Project
SCH # 2007022106

Dear Ms. Lowe:

Regional Water Quality Control Board (Water Board) staff have reviewed the *Notice of Preparation of a Draft Environmental Impact Report for the Murphy Ranch Residential Project* (NOP). Water Board staff have the following comment on the NOP.

Comment 1

The Draft Environmental Impact Report (DEIR) should discuss the methods that the project will use to comply with treatment requirements for post-construction stormwater runoff. Milpitas is a member of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), which has been issued a National Pollutant Discharge Elimination System (NPDES) permit for the discharge of stormwater. Provision C.3 of SCVURPPP's NPDES permit (NPDES Permit No. CAS0299718; Regional Board Order No. 01-024, as amended by Order Nos. 01-119 and 2005-0035) provides performance standards for the management of stormwater at new development and redevelopment sites that create, or recreate, 10,000 square feet or more of impervious surfaces. The DEIR should include a discussion of the proposed post-construction stormwater best management practices (BMPs) that the project will use to minimize impacts on hydrology and water quality through compliance with Provision C.3 of the NPDES permit.

Effective BMPs for post-construction stormwater management are especially important at the Murphy Ranch site, since the site drains to Coyote Creek, which has been designated as critical habitat for the endangered Central Coast California steelhead population. Potential impacts of contaminants in stormwater runoff from the project site on endangered Central Coast California steelhead should also be evaluated in the discussion of biological resources in the DEIR.

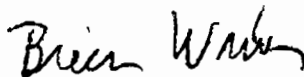
If you have any questions, please contact me at (510) 622-5680 or e-mail bwines@waterboards.ca.gov.

Ms. Lowe

- 2 -

NOP for Murphy Ranch Residential Project, Milpitas

Sincerely,



Brian Wines
Water Resources Control Engineer

cc: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044
Santa Clara Valley Water Control District, Attn: Sue Tippetts, Community Projects
Review Unit 5750 Almaden Expressway, San Jose, Ca 95118-3686
CDFG, Central Coast Region, Attn: Robert Floerke, Regional Manager, P.O. Box
47, Yountville CA 94599
National Marine Fisheries Service, Attn: Gary Stern, 777 Sonoma Avenue, Suite
325, Santa Rosa, CA 95404
USACE, San Francisco District, Attn: Regulatory Branch, 333 Market Street, San
Francisco, CA 94105-2197
Guadalupe-Coyote Resource Conservation District, 888 North 1st Street, Rm. 204,
San Jose, CA 95112



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT
SINCE 1955

March 21, 2007

Ms. Kristine Lowe, Associate Planner
City of Milpitas
Planning and Neighborhood Preservation Department
455 East Calaveras Boulevard
Milpitas, CA 95035

Subject: Murphy Ranch Residential Project Notice of Preparation

Dear Ms. Lowe:

Bay Area Air Quality Management District (District) staff have reviewed your agency's Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Murphy Ranch Residential Project (Project). We understand that the Project consists of two separate housing developments, Murphy Ranch South and Murphy Ranch North. Murphy Ranch South includes 285 single family attached dwelling units (townhouses) on 14.15 acres. Murphy Ranch North includes 374 rental apartment units with a parking garage on 7.58 acres. The Project is located at the southwest corner of Technology Drive and Murphy Ranch Road in the City of Milpitas (City).

We agree that the DEIR should analyze the Project's potential impacts on air quality. A discussion of the health effects of air pollution should be provided. Air quality standards are set at levels to protect public health and welfare. The DEIR should provide background information regarding the District's attainment status for all criteria pollutants and the implications for the region if these standards are not attained by statutory deadlines. The Bay Area is currently a nonattainment area for national and State ambient air quality standards for ground level ozone and State standards for particulate matter. Please note that the Bay Area was redesignated as an attainment area for the national carbon monoxide (CO) standard in 1998 and has since maintained that status. The Bay Area has had no exceedances of the state or national CO standard at any of the monitoring stations since 1991. The NOP's statement that the Bay Area "is a non-attainment area for carbon monoxide" should be corrected.

The DEIR should provide a detailed analysis of the Project's potential effects on local and regional air quality from construction, operations and cumulative emissions. The DEIR should also estimate daily emissions in pounds per day and annual emissions in tons per year for volatile organic compounds (VOCs), nitrogen oxides (NOx), and particulate matter (PM) from stationary, area and mobile sources resulting from long-term operation of the Project. These emissions estimates should then be compared to the significance criteria in the *BAAQMD CEQA Guidelines*.

ALAMEDA COUNTY

Tom Bates
Scott Haggerty
Janet Lockhart
Nate Miley

CONTRA COSTA COUNTY

John Giola
Mark Ross
(Chair)
Michael Shlmansky
Gayle B. Uilkema

MARIN COUNTY

Harold C. Brown, Jr.

NAPA COUNTY

Brad Wagenknecht

SAN FRANCISCO COUNTY

Chris Daly
Jake McGoldrick
Gavin Newsom

SAN MATEO COUNTY

Jerry Hill
(Vice-Chair)
Carol Klett

SANTA CLARA COUNTY

Erin Garner
Yoriko Kishimoto
Liz Kniss
Patrick Kwok

SOLANO COUNTY

John F. Silva

SONOMA COUNTY

Tim Smith
Pamela Torlatt
(Secretary)

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

Spare the Air

Ms. Kristine Lowe

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March 21, 2007

The Project area is located in close proximity to the junction of Interstate 880 and Highway 237 in an area that also contains segments of Highway 101 and Interstate 680. Furthermore, the Project is located in an industrial zone and is immediately adjacent to two diesel powered pumping stations. We recommend that a Health Risk Assessment (HRA) be conducted to evaluate potential health impacts to future residents of the Project due to emissions from major regional transportation corridors and adjacent industrial activities in the Project area. The HRA should also consider any potential impacts from emissions associated with increased commercial and residential traffic along major roads in and around the development. We recommend that the potential health impacts of the Project be evaluated and disclosed to the public as recommended in the California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*. CARB's handbook provides guidelines for siting new sensitive land uses near freeways, major roads, and various industrial land uses.

The DEIR should also evaluate potential nuisance impacts, such as odors and dust, that could result from construction and operation. Odors may not necessarily cause direct physical harm, but can still be unpleasant and lead to citizen complaints. Various industrial and commercial facilities can produce odors and dust impacts on nearby residential areas and other sensitive receptors, as well as new sensitive receptors that may be introduced through this Project.

We appreciate that the Project adds much needed housing to an employment-rich part of the Bay Area, which would reduce the number and distance of work-related vehicle trips. Motor vehicles constitute the largest source of air pollution in the Bay Area; therefore we have a strong interest in promoting smart growth development of this sort. In order to make any smart growth project viable and to reduce reliance on the automobile, we also have a strong interest in promoting alternative sources of transportation. It is important that the Project utilize a design and provide improvements that allow residents of the Project to walk, bike, and take transit, thereby reducing vehicle trips and vehicle miles traveled (VMT) and improving local and regional air quality. We recommend that the DEIR include a survey of existing Santa Clara Valley Transportation Authority (VTA) systems and linkages to the Project area and that the City work with VTA on ways to improve transit linkages to the site. We recommend that the DEIR evaluate and recommend all feasible mitigation measures that can reduce project emissions and justify those it will not be adopting. We suggest that the City require incorporation of all feasible transportation control measures (TCM) in the Project area, such as providing shuttle service to nearby BART, Caltrain stations, Santa Clara Valley Light Rail stations and other regional transit nodes, providing transit information and shelters, subsidized transit passes, or sponsoring programs to encourage residents to carpool or take transit. Additionally, the project site should be linked with the citywide bicycle route network.

Parking is a prominent feature of the Project design, with two car garages attached to each of the 285 single family dwelling units and a six story parking garage proposed for the 374 rental units. We recommend that the DEIR evaluate the Project's design with respect to onsite parking. Pricing strategies for both on-street and off-street parking, based on the market-demand for those spaces, can encourage the use of carpooling, walking, bicycling and transit. Such strategies may include unbundling the parking for residential uses (i.e. charge for off-street parking separately from rents).

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Construction activities generate fugitive dust emissions and emissions of criteria pollutants and toxic air contaminants (TAC) from construction equipment and vehicles, demolition, and earthmoving. We encourage the City to implement all feasible measures that reduce emissions associated with construction activity. For informational purposes, we recommend that the DEIR also include a quantitative analysis of the criteria pollutant emissions that would be generated from construction equipment exhaust during project construction. Additionally, CARB has identified diesel particulate matter as a TAC. Mitigation measures could include but are not limited to: maintaining properly tuned engines; minimizing the idling time of diesel powered construction equipment to three minutes; using alternative powered construction equipment (i.e., CNG, biodiesel, water emulsion fuel, electric); using add-on control devices such as diesel oxidation catalysts or particulate filters; using diesel construction equipment that meets the CARB 2000 or newer certification standard for off-road heavy-duty diesel engines; phasing the construction of projects; and limiting the hours of operation of heavy duty equipment.

The Project proposes a general plan amendment from Industrial Park to Multi Family High Density, and a zoning change from MP Industrial Park to R3 – Multi-Family High Density for the townhouse portion of the site (Murphy Ranch South) and R4 – Multi-Family Very High Density for the apartment portion of the site (Murphy Ranch North). The DEIR should include an analysis of whether these proposed general plan changes and zoning amendments result in significant impacts to air quality in the region, as determined by the proposed Project's consistency with the general plan and whether or not the general plan is consistent with the most recently adopted Bay Area plan for the State ozone standard, the *Bay Area 2005 Ozone Strategy*.

Increasing the demand for electricity, natural gas, and gasoline may result in an increase of criteria air pollutant emissions from combustion, as well as an increase in greenhouse gas emissions, which can impact regional air quality. The DEIR should evaluate the Project's potential to increase the demand for energy in the City. We recommend that the DEIR discuss energy demand of the Project at build-out. When identifying strategies to minimize the Project's impact on energy and air quality, the District encourages the City to include feasible mitigation measures that would require the development to incorporate a minimum level of green building measures. This minimum level could be based on the Leadership in Energy and Environmental Design (LEED) standards or by setting a target percentage reduction below California Building Code's Title 24 energy standards. Green building measures could include but are not limited to using: super-efficient heating, ventilation, and air conditioning (HVAC) systems; light-colored and reflective roofing materials, pavement treatments and other energy efficient building materials; shade trees adjacent to buildings and in parking areas; photovoltaic panels on buildings; and natural light and energy-efficient lighting.

Finally, please include in the DEIR a discussion and quantification (including underlying assumptions and calculations) of greenhouse gas (GHG) emissions, including carbon dioxide, methane, nitrous oxide and sulfur hexafluoride that would be emitted due to the Project in order to disclose to decision makers and the public the level of greenhouse gas emissions that will be generated by the Project.

For more details on our guidance regarding environmental review, we recommend that the City refer to the *BAAQMD CEQA Guidelines: Assessing the Air Quality Impacts of Projects and Plans* (1999). The document provides guidance on best practices for assessing and

Ms. Kristine Lowe

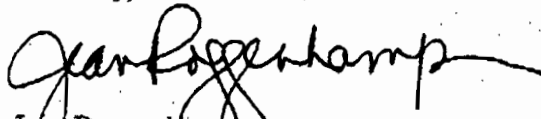
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mitigating air quality impacts from land use projects. If you do not already have a copy of our guidelines, we recommend that you obtain a copy by calling our Public Information Division at (415) 749-4900 or downloading the online version from the District's web site at <http://www.baaqmd.gov/pln/ccqa/index.asp>.

If you have any questions regarding these comments, please contact Nadine Wilmot, Environmental Planner, at (415) 749-5074.

Sincerely,



Jean Roggenkamp

Deputy Air Pollution Control Officer

JR:NW

cc: BAAQMD Director Erin Garner
BAAQMD Director Yoriko Kishimoto
BAAQMD Director Liz Kniss
BAAQMD Director Patrick Kwok



March 21, 2007

City of Milpitas
Planning Division
455 East Calaveras Boulevard
Milpitas, CA 95035-5479

Attention: Kristine Lowe

Subject: Murphy Ranch Residential

Dear Ms. Lowe:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the NOP for a Draft EIR for 285 single family residences on 14.15 acres and 374 apartment units on 7.58 acres at the southwest corner of Murphy Ranch Road and Technology Drive. We have the following comments.

Bus Service

There is an existing ACE shuttle bus stop on Murphy Road, south of Technology Drive, adjacent to the project site. In order to provide convenient access to transit service, VTA requests the following bus stop improvements:

- Bus stop to remain in general area.
- Sidewalk access to the bus stop
- A 8' x 40' passenger waiting pad
- No trees or landscaping within bus loading area.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,



Roy Molseed
Senior Environmental Planner

RM:TN:kh

cc: Samantha Swan, VTA

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